

RESPONSE

I. Restriction Requirement

The Examiner has determined that the original claims are directed to two separate and distinct inventions under 35 U.S.C. § 121.

I. Claims 6-17, allegedly drawn to an isolated nucleic acid molecule comprising a nucleotide sequence encoding an amino acid sequence drawn from the group consisting of SEQ ID Nos: 2, 4 and 6, wherein said nucleic acid sequence comprising the nucleotide sequence of SEQ ID Nos: 1, 3 and 5; expression vectors; recombinant host cells, method of making said polypeptide; classified in class 435, subclass 69.1, 320.1, 252.3, 325; class 536, subclass 23.1, 23.5; and

II. Claims 18-21, allegedly drawn to an isolated polypeptide comprising an amino acid sequence drawn from the group consisting of SEQ ID Nos: 2, 4 and 6; classified in class 530, subclass 350, 300.

II. Response to Restriction Requirement

In response to the Restriction Requirement mailed October 27, 2005, Applicants elect without traverse to pursue the invention of group I (Claims 6-17, allegedly drawn to an isolated nucleic acid molecule comprising a nucleotide sequence encoding an amino acid sequence drawn from the group consisting of SEQ ID Nos: 2, 4 and 6, wherein said nucleic acid sequence comprising the nucleotide sequence of SEQ ID Nos: 1, 3 and 5; expression vectors; recombinant host cells, method of making said polypeptide; classified in class 435, subclass 69.1, 320.1, 252.3, 325; class 536, subclass 23.1, 23.5). Applicants further elect, pursuant to 35 U.S.C. § 121, the species of SEQ ID NOS: 1/2 for initial examination on the merits. Elected Claims 6-17 read on the elected species. Applicants understand their species election is being made solely to expedite examination of the application, and that they are entitled to consideration of additional species upon allowance of a generic claim. Applicants further reserve the right to refile claims to the non-elected inventions in one or more future applications retaining the priority date of the present case and the earlier cited priority applications.

IV. Status of the Claims


Claims 18-21 have been cancelled entirely without prejudice and without, as being drawn to a non-elected invention. Claims 1-5 were previously cancelled in the Preliminary Amendment. Therefore, claims 6-17 are presently pending in the case.

VI. Conclusion

The present document is a complete response to the Restriction and Election Requirement. Applicants believe that the claims of the instant application meet all of the conditions for patentability and are in condition for allowance. Accordingly, an early indication of the same is respectfully requested. Should Examiner Mitra have any questions or comments, or believe that certain amendments of the claims might serve to improve their clarity, a telephone call to the undersigned Applicants' representative is earnestly solicited.

Respectfully submitted,

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Date



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